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Protecting endangered species and wild places through science, policy, education, and environmental law

November 27, 2006

Kevin S. Milligan, P.E.,
Assistant Director - Water
City of Riverside
Public Utilities Department
3901 Orange Street,
Riverside, CA 92501

RE: Comments on the Recycled Water Program Draft Program EIR

Dear Mr. Milligan,

The following comments on the Draft Program Environmental Impact Report ("DPEIR") for the Recycled Water Program are submitted on behalf of the members and staff of the Center for Biological Diversity (the "Center"). The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 25,000 members throughout California and the western United States, including residents in western Riverside County and in the City of Riverside. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in the Inland Empire.

The Center contends that the DPEIR fails to identify and adequately analyze potential environmental impacts for all of the proposed projects and fails to provide adequate alternatives that would avoid those impacts or include enforceable mitigation measures to minimize those impacts, as required by law. The application for the diversion of 41,400 acre-feet per year ("afy") of Santa Ana River (SAR) water is not fully analyzed and in compliance with the California Environmental Quality Act (CEQA). While the Center supports the highest and best use of the City of Riverside ("City")'s recycled water, we contend that the diversion of the current recycled water from the Santa Ana River will substantially affect the riparian values and threatened and endangered species that depend on them. The Center strongly urges the City to seek a water rights application that will maintain and increase the flows into the Santa Ana River in support of those essential riparian values. Additionally, the environmental effects of future phases of this project are or should be known at this time, and should be fully disclosed and analyzed in an updated and recirculated DPEIR.

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A. The DPEIR Does Not Adequately Disclose the Project's Effects on Santa Ana River Flows

1. Adequacy of Water Availability for the Application.

We question the need for a water rights application for 41,400 afy. We concur with the California Department of Fish and Game's (DFG) analysis that conditions in the Santa Ana basin are such that additional water rights can not be appropriated and that the potential for direct and cumulative effects on resources of the Santa Ana basin, including reduction of riparian and wetland habitat values, would cumulatively result in diversion rates that would doom those resources.

The DPEIR gives confusing information on exactly how much water is proposed to be discharged into the Santa Ana River when the project is fully implemented - 15,250 afy (at pg. 2-1), or never less than 25,000 afy (at pg. 3A-32), or 26,000 afy (at pg. 3A-38). Regardless, the amount of flow going into the Santa Ana River proposed to be reduced to 38%, 62%, or 65% respectively, of its current 2005 levels (at pg. 3A-33). These reductions are a significant decrease and will affect the riparian and wetland values of the Santa Ana River and the species that depend upon them.

2. Analysis of Impacts

Assuming that the project will divert 41,400 afy to the recycled water system and return 26,000 afy to the Santa Ana River, the net reduction in river flow will be 15,400 afy. The DPEIR concludes (at pg. 3A-39) that this reduction "would be equal to only 0.9% of the total river flow" and is therefore that impacts to river hydrology and water quality will be less than significant. Comparing the reduction to the Santa Ana River's total annual average flow, however, is merely one way of evaluating the reduction, and tends to understate its impact. The DPEIR indicates that 15,400 afy equates to a reduction of 21.3 cubic feet per second, and that that this volume translates to as much as a 17% reduction in dry season flows within Reach 3 of the Santa Ana River (at pg. 3A-38). The DPEIR fails to provide a full analysis of the hydrological and water quality consequences of the project based on this significant reduction in dry season flows. This information is essential for a meaningful evaluation of the project's impacts.

The DPEIR states (at pg. 3A-37) that there will be no potential for surface water runoff or deep groundwater percolation because "users of recycled water will be limited to applications of recycled water at the agronomic rate, such that applications would not exceed the evapotranspiration rate of the crops under irrigation." The DPEIR thus concludes that the project's impact on water quality is less than significant and no mitigation is required. The DPEIR, however, gives no indication how this condition will be enforced or monitored. The impact to water quality associated with surface water runoff or groundwater percolation of recycled water must be analyzed as a potentially significant impact, and appropriate mitigation measures should be evaluated. There is no basis for the conclusion that this impact will be less than significant. If a limitation on use of recycled water is necessary to reduce or avoid this impact, it must be imposed as a mitigation measure, made a binding condition of project approval, and incorporated in the mitigation monitoring and reporting program.

B. The DPEIR Fails To Properly Identify the Full Range of Direct, Indirect, and Cumulative Impacts to Biological Resources and Mitigate Those Impacts.

1. Analysis of Impacts.

It is impossible for the public to ascertain the extent of the direct, indirect, and cumulative impacts of the project on biological resources with the paltry information provided in the EIR.

Many of the inadequacies of the DPEIR identified in these comments stem from the fact that the document improperly defers identification and analysis of the project's impacts for the "programmatic" projects, as well as formulation of mitigation measures, to later stages of project development. Additionally all biological mitigation relies totally on the West Riverside Multiple Species Habitat Conservation Plan (WRMSHCP) and the Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP). Deferral of the identification of project impacts frustrates informed decision-making and violates CEQA. Just mentioning the potential broad impacts does not in any way satisfy CEQA's requirement to thoroughly analyze the environmental effects of the impacts in order to avoid or mitigate those effects. This is an unfortunate consequence of the lack of information about specific populations of wildlife and plants. For example, Pages 3B-7 through 3B-10 provide descriptions of "cover types" that occur within the City's boundary and sphere of influence, but no evaluation of these "cover types" are project specific.

The same approach is taken for the "Special Status Natural Communities" (pgs. 3B-11 through 3B-15) and the "Special Status Species" (at pgs. 3B-15 through 3B-24). No baseline plant community/habitat map is provided that indicate the acreages of existing plant communities. No locations of "Special Status Natural Communities" or "Special Status Species" are provided. The "Vegetation" section only generally describes "Reach 3" of the Santa Ana River, and gives no information on project areas outside of this small part of the proposed project area. Based on the absence of baseline information, the DPEIR does not include an adequate analysis of the project's impacts. The DPEIR fails to offer any information about the number of acres of each habitat existing in the region, how this compares to the historical number of acres, and how many additional acres are proposed for elimination by other projects in the area. The DPEIR also provides literally no data about population estimates for the various wildlife and plant species that currently inhabit any of the project sites, either before or after project build-out. The DPEIR has abjectly failed to provide the public with the information necessary to make an informed opinion as to the project's likely impacts to biological resources.

The DPEIR is unclear about the impacts of the proposed projects on the "Existing and Proposed Reserves." While a description for these areas is found on pages 3B-30 through 3B-43, no information on how the proposed project will affect these areas is provided. For example, the assumption that "detailed plans for each phase and component of the recycled water system would be prepared in accordance with all relevant provisions of the WRC MSHCP, as well as City and Riverside County requirements." (at pg. 3B-43) does not provide adequate compliance with CEQA in evaluating impacts from the projects. A description of "Approximately 47,026 linear feet of core system pipeline, plus *an unknown amount* [emphasis added] of lateral distribution pipeline, would be installed" (at pg. 3B-43) or "Approximately 272,000 linear feet of pipeline (plus *an unknown amount* [emphasis added] of lateral distribution pipeline)" (at pg. 3B-44) does not allow adequate impact analysis.

Another example of inadequate analysis occurs in **BIO-IMP-1C: Agricultural Use System** (at pg. 3B-53) where it states: "Construction activities have the potential to harm several species of concern that occur on agricultural lands (e.g., Stephens' kangaroo rat). It is unlikely, *but not known at this time* [emphasis added], that construction of the system would entail activities in the Santa Ana River or its tributaries." This is not a disclosure or evaluation of the project's potential impacts.

A full quantitative analysis of impacts to special-status species must be provided in this EIR, and appropriate and effective avoidance and mitigation measures must be adopted. The EIR cannot simply defer to the MSHCP. The analysis of environmental impacts in the MSHCP was programmatic, and therefore the implementation of the MSHCP does not eliminate the requirement under CEQA to conduct and disclose project-level, species-specific, direct and cumulative analyses in an EIR and to mitigate those impacts. The Endangered Species Act standards and definitions are not analogous to the CEQA standards for review, public disclosure, analysis of alternatives, and analysis of direct and cumulative impacts. The MSHCP cannot substitute for CEQA review or provide assurances to agencies or project applicants that disclosure, analysis, avoidance, and mitigation will not be required for direct, indirect, and cumulative impacts under CEQA.

While this EIR is also programmatic, it must nonetheless disclose the reasonably foreseeable impacts of future project phases. A program EIR may not be used to defer the analysis of impacts that are or should be known at the time the program EIR is prepared.

2. Mitigation Measures

The mitigation measures provided in the DPEIR are entirely insufficient to fully mitigate the true impacts to biological resources from build-out of the project. Most of the mitigation measures proposed in the DPEIR are already required by existing law and do not represent additional efforts to avoid or mitigate the environmental harm that will result from build-out of the project. These mitigation measures include compliance with the MSHCP and the SKRHCP but do not include requiring biological surveys to be conducted, obtaining the proper permits other than the complying with the take permits of the HCP's (i.e. no 404 or 1600 permit issues are addressed), determining jurisdictional surface waters (other than a mention that they must be addressed in the future [at pg. 3A-2]), zones for open space, and protect active raptor nests. Further, a number of important mitigation measures are either deferred to a later time or are inadequate to offset the extreme damage that will occur from additional infrastructure development in existing or proposed conserved areas.

Because this document is programmatic these projects may be built-out over the course of 15 to 20 years, CEQA requires that all the proposed projects be evaluated as a whole and be reviewed at the *earliest possible time* in order to avoid the kind of piecemeal implementation that fails to take into account the direct, indirect, and cumulative environmental impacts of each stage, phase, or part of a project. One of the fundamental objectives of CEQA is to facilitate the identification of "feasible alternatives or feasible mitigation measures which will avoid or substantially lessen" significant environmental effects. Pub. Res. Code § 21002. Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation

measures available which would substantially lessen the significant environmental effects of such projects. . . .” Public Resources Code § 21002. Consequently, an EIR must accurately identify impacts and feasible measures to mitigate significant environmental impacts identified in the EIR. CEQA Guidelines §15126. The City’s duty to provide a detailed analysis of environmental impacts of the proposed projects and to impose enforceable mitigation measures cannot be deferred to a later stage of environmental analysis.

Unfortunately, the DPEIR is full of examples of impacts that are identified in only the most cursory fashion, and left both unanalyzed and unmitigated. Of the identified 12 “potentially significant” impacts identified in Table 3B-10 (at pgs.3B-48 through 3B-50), all are proposed to be mitigated to less than significant levels. With closer inspection of the mitigation measures associated with those significant impacts are in every case:

- **“BIO-MM-1** is: comply with the applicable requirements of the WRC MSHCP.
- **BIO-MM-2** is: comply with the applicable requirements of the SKR HCP.”

No further information on plant community/habitat type, areas of impact effect, or minimization or mitigation under these existing plans is proposed. Deferring analysis outside of the current CEQA process (i.e. the future WRMSHCP joint project review process) fails to meet CEQA obligations.

BIO-MM-1: Implement WRC MSHCP Measures (at pg. 3B-68) only generally describes the implementation measures that would be done in accordance with the WRMSHCP. However, there is no acknowledgement of the rare resources that would be affected by the proposed project that often ONLY occur in the region of the Santa Ana River, and therefore MUST be conserved in that area. For example, impacts to riparian habitat for the Santa Ana Sucker, Least Bell’s Vireo and Willow Flycatcher do not have equivalent habitat elsewhere in the plan. The DPEIR must evaluate the availability of appropriate in-kind mitigation for these species and the feasibility of providing it in affected areas of the Santa Ana River.

The Santa Ana Sucker only occurs in the WRMSHCP area in Reach 3 and 4 of the Santa Ana River. Recent data indicates that the Santa Ana Sucker is in significant decline in the Santa Ana River (Baskin et al. 2006). Loss of habitat is the primary threat to the Santa Ana Sucker. Water diversions, channelization, reduction of riparian habitat, change in hydrological processes are all part of the threat to this endemic native fish that is protected as threatened under the Endangered Species Act. While this fish edges closer to extinction in the Santa Ana River, the proposed action fails to analyze the impacts or mitigations of the proposed project on this species other than referencing the WRMSHCP goals. The DPEIR fails to explain how future compliance with the MSHCP will mitigate the project’s potential effects on the Santa Ana Sucker. Have the species conservation objectives for the Santa Ana Sucker described in the MSHCP been met? What evidence or expectation is there that the project’s specific Santa Ana Sucker impacts will be mitigated by compliance with the MSHCP?

The Least Bell’s Vireo has rebounded in the Santa Ana River watershed, although declines were noted this last spring (2006). However, riparian habitat essential for the successful reproduction of the Least Bell’s Vireo (and Southwestern Willow Flycatcher) will be affected by the reduced flows in the Santa Ana River due to project implementation. As with the Santa Ana Sucker, the document fails to analyze the impacts or mitigations of the proposed projects on either of these species other than referencing the WRMSHCP goals. The DPEIR (at pg. 3B-56, BIO-IMP-2B) mentions

that the Core Distribution System may have an effect on the Critical Habitat for Least Bell's Vireo (and the California Gnatcatcher and Quino Checkerspot Butterfly), but no additional analysis is provided on how or where that would occur or how this effect would be mitigated under the WRMSHCP. In BIO-IMP-2F (at pg. 3B-59), the treatment facility expansion "occurs in an area with special status communities and near critical habitat for least Bell's vireo." However no additional analysis or mitigation is identified for any of these potential impacts.

In **BIO-IMP-2A-1: Construction** (at pg. 3B-55) "... Depending on the alignment of pipelines in the Jurupa Community Service District, currently proposed critical habitat for the coastal California gnatcatcher could be affected. If impacts to the special status communities and/or critical habitats are unavoidable, the WRC MSHCP requires selection of an alternative that is biologically equivalent or superior to impact avoidance. This applies to (1) riparian/riverine areas and vernal pools anywhere in the Plan area and (2) other special status communities such as riversidian sage scrub if impacts are anticipated within proposed conservation lands under the Plan and the latter provides long-term conservation value. Even if impacts to such resources are minimized, the effects of constructing Phase I could be substantial on a temporary or short-term basis" The PDEIR fails to analyze the impacts to the resources in a meaningful quantitative way. Consequently, no meaningful mitigation scenario under the MSHCP is proposed. Also, if the pipeline alignment impacts the proposed critical habitat for the California Gnatcatcher, it likely affects the existing final Gnatcatcher Critical Habitat, which remains in place pending finalization of the new designation.

In **BIO-IMP-3E: Diversion/Discharge** (at pg. 3B-61) "As discussed in BIO-IMP-1E and BIO-IMP-2E, there is some concern that changes in amount of effluent discharged from the RWQCP would alter stream flow in a way that would destroy or degrade fish habitat. Such effects also would destroy or degrade the linkage function for fish upstream and downstream of Reach 3. However, for the same reasons stated in BIO-IMP-1E and BIO-IMP- 2E, the risk of such effects is minimized by the gradual reduction of the discharge from the RWQCP and water quality monitoring requirements." We fail to see how a gradual reduction will assure that linkages and destruction and/or degradation of fish habitat will not occur. Less water will provide less habitat for fishes (rare and common), and could result in dry river stretches that isolate fish populations. Temporal reductions would only assure that the impacts would occur gradually, not all at once.

Another area of particular concern regarding the WRMSHCP is the effect of the proposed projects on the linkages and especially the constrained linkages in the project area. The area of the proposed project has some of the most essential linkages within the WRMSHCP because the area has already sustained significant development. The linkages that remain are vital to the implementation of the WRMSHCP and impacts to them cannot be "mitigated" elsewhere. The impact analysis and mitigations fail to acknowledge or provide meaningful mitigation proposals, because all are evaluated to have less than significant impacts:

- **BIO-IMP-3A-1: Construction** (at pg. 3B-59) "could have temporary adverse impacts on these linkages..."
- **BIO-IMP-3A-2: Operation and Maintenance** (at pg. 3B-59) "Maintenance has the potential for temporary adverse impacts on linkages but the effects would be minimized by WRC MSHCP impact avoidance and minimization requirements."
- **BIO-IMP-3B-1: Construction** (at pg. 3B-59) "As with Phase I, construction of the system could have temporary adverse impacts on these linkages, but the effects

would be minimized by WRC MSHCP impact avoidance and minimization requirements.”

- **BIO-IMP-3B-2: Operation and Maintenance** (at pg. 3B-60) “Maintenance has the potential for temporary adverse impacts on linkages but the effects would be minimized by WRC MSHCP impact avoidance and minimization requirements.”
- **BIO-IMP-3C-2: Operation and Maintenance** (at pg. 3B-61) “Maintenance has the potential for temporary adverse impacts on linkages but the effects would be minimized by WRC MSHCP impact avoidance and minimization requirements.”

Impact analyses, minimization and mitigation of all of these acknowledged effects fall short of CEQA requirements. Clear analyses of the project impacts need to be included, followed by a clear mitigation strategy using site specific mitigations developed to meet the criteria in the WRMSHCP.

In the instances where significant impacts to linkages have been determined to occur from the proposed project, the mitigation problems still occur:

- **BIO-IMP-3C-1: Construction** (at pg. 3B-60) “Construction of the agricultural use system has the potential to affect the same linkages and corridors as the core distribution system. However, it has a higher potential for adverse effects than the core system because new canals may be required. Although canals can be designed to provide linkages and movement corridors and thereby provide a benefit to some species, they also can be a permanent impediment to the movement of other species. Consequently, substantial adverse effects could result in some instances.”
- **BIO-IMP-3F-2. Facility Expansion/Upgrading** (at pg. 3B-62) “Expansion or upgrading of the facility has the potential to adversely affect fish habitat and wetland/riparian areas along the river, thereby also affecting the linkage function of those areas. As discussed in BIO-IMP-2F, unavoidable impacts would be minimized in accordance with the WRC MSHCP and federal and state law. However, even though minimized, substantial adverse effects could result.
- **BIO-IMP-4E: Diversion/Discharge** (at pg. 3B-66) “The change in discharge levels at the RWQCP has the potential to affect existing and proposed conservation areas along the Santa Ana River.”

The DPEIR fails to identify that the identified elements of the proposed project may simply not be compatible with assembling a reserve and linkages that are essential to the success of the MSHCP in this highly constrained area. The DPEIR should consider alternatives that avoid all potential incompatibilities with MSHCP linkage and conservation areas.

In **BIO-IMP-4B-1: Construction** (at pg. 3B-63), fails to clearly identify which core areas of WRMSHCP or SKRHCP will be affected stating only that “construction could have substantial adverse effects on portions of existing or proposed conservation areas. There also is the risk of adverse effects on resources in several conservation areas.” At a minimum, a description of location, acreage amount by plant community/habitat type, minimization measures and if avoidance is not possible, adequate mitigation must be included in order to comply with CEQA.

In the section on implementing MSHCP mitigation measures for “Impacts Outside and Inside the Criteria Area” (at p. 3B-68), the second bullets in both sections incorrectly state mitigation for unavoidable impacts includes “protection of habitat avoided (but not permanently conserved) as required for species associated with riparian/riverine areas and vernal pools, narrow endemic plants, and other species identified in the WRC MSHCP. (Protection of avoided habitats will be lifted when the conservation goals for the affected habitats and species have been met.)” Actually the “avoided habitats” may be permanently conserved if conservation goals are not met. The fact is that the WRMSHCP has yet to meet its current conservation goals (RCA 2005) and is still out of compliance in many areas, including the area where the proposed projects are located (“rough-step area 1). No conservation occurred in this area in 2005, and significant conservation of Riparian Scrub/Woodland/Forest and Coastal Sage Scrub still need to occur to achieve required “rough step” compliance. Absent clear mitigation proposals in the DPEIR, the WRMSHCP could fall further out of compliance with stipulations of the permit.

The DPEIR fails to provide for reasonable, feasible mitigation measures to avoid and minimize adverse impacts to biological resources. For affected sensitive habitat and vegetation types, the DPEIR should have prioritized avoidance, followed by onsite habitat replacement at a mitigation ratio calculated to ensure success, followed by onsite restoration and enhancement, followed by off-site mitigation. The DPEIR also failed to specify that the identification and purchase of mitigation areas, with establishment of effective long-term management, would occur prior to any grading.

3. Cumulative Impacts

Table 4-1 incorrectly represents the amount of water to be extracted from the Santa Ana River by the Orange County Water District. In their application, they have requested a maximum amount of 505,000 afy of native Santa Ana River Water (OCWD 2006). Three additional small water diversion applications for Santa Ana River water are also at the State Water Resources Control Board for appropriation rights consideration, but they were not included in Table 4-1.

Based on the identification of significant cumulative impacts from the proposed water diversions by the City and other agencies along the Santa Ana River, we strongly urge the City to re-evaluate the need/benefits of the project as proposed. The cumulative actions, if they move forward will directly degrade the beneficial water supply and water quality improvements, and environmental and habitat enhancement projects that are slated for the project area (at pg. 4-8). The endangered species and the habitats upon which they depend will be compromised significantly. In fact, the Santa Ana Sucker may be extirpated from its namesake river because of decreased habitat.

C. Growth-Inducing Impacts

The DPEIR briefly considers the project’s potential growth-inducing impact, acknowledging that “water supply is typically considered a constraint on new development” in Southern California (at pg. 5-2). The DPEIR concludes, however, that “the limitations on its use restrict the potential for recycled water to induce growth beyond what otherwise would be supported by groundwater and contract supplies. Housing, commercial, and industrial development requires potable water supplies;

recycled water can reduce dependence on and use of, but not the need for, those supplies.” To what extent does reducing the “dependence on and use of” potable water supplies mean freeing up potable water currently used for irrigation and other uses where recycled water can be substituted for new municipal and industrial development? Since the DPEIR fails to quantify the amount of potable water that is currently used for these purposes, it is impossible to determine the project’s growth inducing potential. The DPEIR must be revised to evaluate the project’s full potential for inducing growth by increasing the net potable water supply available for new development.

D. Alternatives

The DPEIR’s discussion and evaluation of alternatives is wholly inadequate. The DPEIR considers three alternatives: Alternative 1, a reduced scale recycled water facility with a capacity of 20,000 afy; Alternative 2, involving no expansion of the RWQCP; and Alternative 3, the no project alternative. The DPEIR provides insufficient information to compare even this truncated set of alternatives. For Alternative 1, the DPEIR states that:

To the degree that the reduced-capacity system translates into less land and/or river disturbance, Alternative 1 would have reduced impacts on special status species, as compared to the proposed project. Impacts to species in individual locations that might occur under the proposed project could be avoided. However, total impacts would not necessarily be substantially different than those under the proposed project and would be subject to the same WRCMSHCP and SKR HCP requirements as the proposed project.

(p. 6-12.) Since Alternative 1 is formulated in such a vague manner (it might or might not result in less land or river disturbance, it is impossible to compare the biological impacts of Alternative 1 and the proposed alternative. CEQA requires a stable and concrete description of alternatives to facilitate meaningful comparison. It is not enough to say, for example, that Alternative 1 “could have, but would not necessarily have, a reduced potential for significant impacts to special status natural communities, as compared with the proposed project.” There is no reason that feasible alternatives with clearly defined impacts cannot be formulated. Ultimately, there is no basis for the conclusion that the proposed project is the environmentally superior alternative (p. 6-18). On the contrary, it is clear that the proposed project will have a significant impact on Santa Ana River flows that other feasible alternatives will not, and will have a significant impact on biological resources that is greater than that of other feasible alternatives by an unknown magnitude. In particular, there is no basis for the claim that “the proposed project has the potential to contribute to completion of the MSHCP reserve system via mitigation for species and habitat impacts from construction of system components” given that the acknowledged unavoidable conflicts between the proposed project and the MSHCP’s reserve and linkage assembly objectives. Absurdly, this statement appears to suggest that the proposed project is superior to Alternative 1 because the project will have impacts that require mitigation, while Alternative 1 has the potential to avoid those impacts.

It is the lead agency’s responsibility to explain how the preferred alternative stands in

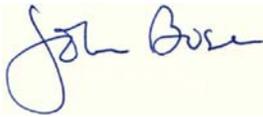
comparison to other alternatives, yet the DPEIR fails to meet even the most basic CEQA objectives of providing a comparison of alternatives in order to understand and avoid the environmental consequences of a project before it is approved. The DPEIR should be revised to provide a clear description, full analysis, and objective comparison of all alternatives.

E. Conclusion

The above-described defects must be corrected before the City can lawfully proceed through the water rights application process. The DPEIR fails to adequately disclose, analyze, avoid, minimize, and mitigate the environmental impacts of the proposed projects. As detailed above, the DPEIR fails to comply with CEQA and fails to provide necessary information about the impacts of the project in many areas including biological resources, water availability, and other environmental resources.

Neither decision-makers nor the public can make informed decisions about the costs to the environment of the proposed projects based on this fundamentally flawed and cursory environmental review. The Center looks forward to reviewing a revised EIR that takes into account the issues raised in this comment letter and in letters provided by others.

Sincerely,



John Buse
Staff Attorney
Center for Biological Diversity



Ilene Anderson
Ecologist
Center for Biological Diversity

cc: Department of Fish and Game

USFWS

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